

REMARKS

I. INTRODUCTION

The application has been carefully reviewed in light of the Final Office Action dated June 4, 2006 and the telephone discussion of July, 20, 2006. This communication is believed to be a full and complete response to that Office Action. Claims 1, 2, 5, 8-15, and 17-23 were pending in the present application prior to entry of the present amendments. By the present Office Action, Claims 1, 2, 5, 8-12, 15, and 17-23 have been allowed and Claims 13 and 14 have been rejected.

By the present amendment, Claim 13 has been amended. No claims have been canceled and no new claims have been submitted for entry. Claims 1, 2, 5, 8-12, 14, 15, and 17-23 also remain in the application, and upon entry of the present amendment, Claims 1, 2, 5, 8-15, and 17-23 are present.

Support for these amendments can be found in the original specification, and thus, no new matter has been added. Applicant reserves the right to pursue all original claims in this or other patent applications. Reconsideration and reexamination of the present application is respectfully requested in light of the foregoing amendments and in view of the following remarks, which establish that the pending claims are directed to allowable subject matter.

II. SUMMARY OF THE AMENDMENTS

In the Claims

Claim 13 has been amended.

III. SUMMARY OF EXAMINER INTERVIEW

The Examiner is thanked for granting the interview of July 20, 2006. A proposed amendment to Claim 13, which corresponds to the actual amendment in this paper, was provided to the Examiner. The proposed amendment was directed to the following aspects of the invention: the displacement of the fold line from the edge of the trough and the portion of the edge of the trough to which the distal end of the tab corresponds. The proposed amendment clarifies the edge of the trough from which the fold line is displaced and to which the distal end of the tab corresponds. The Examiner has stated that the proposed amendment appears to be patentable over the cited art (U.S. Patent No. 6,578,736 to **Spivey**). The Examiner has further stated that he will review the other prior art of record with regard to this amendment.

IV. CLAIM REJECTIONS

Under 35 U.S.C. § 102

The Examiner has rejected Claims 13 and 14 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent No. 6,578,736 to **Spivey**. The Examiner states that "**Spivey** discloses a trough formed from an end area of a carton and

including a push tab 82 formed by overlapping panels 12, 28 forming the end area of the carton as claimed. The end area in **Spivey** is considered to be formed by a plurality of panels insofar as claimed."

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP § 2131; *Verdegaal Bros. V. Union Oil Co. of Calif.*, 814 F.2d 628, 631 (Fed. Cir. 1987).

Spivey fails to disclose all of the limitations of amended Claim 13

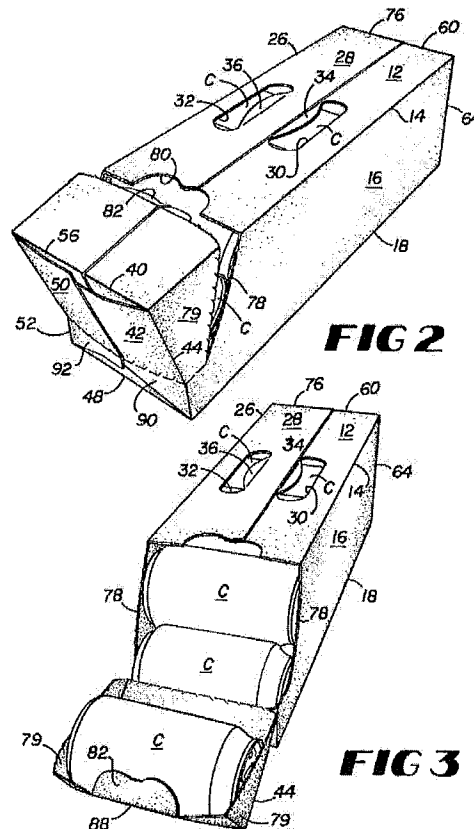
The Examiner has further stated that "the trough of **Spivey** is considered to be formed from a plurality of edges which have been all formed from a frangible line in a carton. The fold line 88 in **Spivey** is clearly displaced from one of these edges irregardless of whether the foldline is displaced from the frangible line adjacent to the fold line."

Claim 13 has been amended to recite, in part:

said trough having **a fold line displaced from an adjacent edge of said trough that is defined by said frangible line**, and **said fold line partially defining a push tab having a distal end corresponding with a portion of said adjacent edge of said trough** defined by the separation of said trough from said dispensing carton along said frangible line.

Emphasis added.

Spivey fails to disclose at least the features of amended Claim 13 that are emphasized in bold italics. Rather, the fold line 88 in **Spivey**, which partially defines the finger flap 82, is *connected to* the tear lines 78, 80 which define the *adjacent edge* of the dispenser 79. For reference, FIGs. 2 and 3 of **Spivey** are reproduced below. In addition, **Spivey** discloses in column 4, lines 5 and 6: "Finger flap 82 and insertion flap 86 are connected to the dispenser 79 by fold line 88 which interrupts the tear line 78." For at least these reasons, Claim 13 and its dependent Claim 14 are patentable over the cited art.



V. CONCLUSION

For at least the above reasons, Applicant respectfully requests allowance of the claims pending in this case and issuance of a patent containing these claims in due course. Should Examiner Elkins believe that a telephone conference would be useful to resolve any concerns and move this application to allowance, Examiner Elkins is respectfully requested to contact the undersigned at the telephone number listed below. Otherwise, Applicant respectfully requests timely issuance of a Notice of Allowance for the present application.

Respectfully submitted,



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